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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,684	01/16/2002	Deborah H. Miller	WMA99011D1	4722

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WORLD COM, INC.
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW
WASHINGTON, DC 20036

EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Office Action Summary

Application No.

10/047,684

Applicant(s)

MILLER ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is in response to applicant's preliminary amendment filed on January 16, 2002. **Claims 1-21** are now pending in the present application.

Information Disclosure Statement

2. The information disclosure statement submitted on January 16, 2002 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings received on January 16, 2002 has been approved by the draftsman.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Baral et al. US Patent 4,932,042, (hereinafter Baral).

Regarding claims 1 and 11, Baral teaches a method to verify a dialed number and a machine-readable medium whose contents cause a computer system to verify a dialed number (col. 3, lines 56-59; the system sends the called party's number to the calling party to verify that the system will send a message to the proper destination) comprising:

receiving a request from a calling party to send a first call station a number sent from said first call station and associated with a second call station, (col. 3, lines 34-49,56-59; the calling

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party presses “*867” to request spontaneous voice message service which will then announce the called number, which is associated with a second call station, to the calling party for verification); and

sending said number in accordance with said request, (col. 3, lines 56-59; the calling party audibly receives the called party’s number for verification purposes).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-6 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salimando US Patent 5,970,133 in view of Baral et al. US Patent 4,932,042.

Regarding claims 1 and 11, Salimando teaches a method to verify a dialed number and a machine-readable medium whose contents cause a computer system to verify a dialed number (col. 1, lines 10-14,53-65; the dialed number is verified by announcing to the calling party the identity (e.g. 1-800-DIAL MAT, fig. 5) of the called party that was dialed) comprising:

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sending a first call station a number sent from said first call station and associated with a second call station, (col. 3, lines 58-64); and

sending said number in accordance with a request, (col. 3, lines 58-64; col. 4, lines 40-45; fig. 5).

Salimando does not specifically teach of receiving a request from the calling party to initiate the number verification process.

Baral teaches a method for delivering a dialed number to a calling party over a network in response to a user request, (col. 3, lines 31-49, 56-59; the system sends the number in response to a user request so that the calling party can indicate whether or not the called number was the intended called party number). One skilled in the art would have been motivated to have the calling party request the service so that the calling parties can be provided with the called number verification service even if the called party does not have the service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Salimando by allowing the calling party to request initiating of the called party verification service as taught by Baral so that an arbitrary calling party can use the number verification service without relying on the services of the called party if the called party does not have the service and so that the calling party can receive called number verification to ensure that they dialed the correct number.

Regarding claims 2 and 12, Salimando teaches determining whether a first call request to connect said first call station with said second call station is active, (col. 3, line 65-col. 4, line 6; the system determines whether or not the calling party is on or off hook); and

terminating said first call request in accordance with said determination (col. 4, lines 7-12; if the calling party is on hook then the call request is terminated).

While Salimando does not specifically teach of terminating the first call request prior to sending said first call station said number the Examiner notes that it would have been obvious if not inherent that the system of Salimando would terminate the call if the system determines that the call request is inactive prior to sending said first call station said number, since the system would have no way of sending the number to the calling party if the calling party is no longer on the line, i.e., if the calling party is on-hook.

Regarding claims 3 and 13, Salimando teaches sending a reconnect request to said first call station after said number is sent, (col. 3, line 65-col. 4, line 6; the reconnect request is a request to have the user remain on the line or disconnect from the line);

receiving a response to said reconnect request, (col. 3, line 65-col. 4, line 6; the response from the calling party is the response of remaining off-hook which will indicate a desire to reconnect); and

sending a second call request to connect said first call station with said second call station, (col. 4, lines 13-18; in response to the calling party's response to remain on the line the calling party is connected to the called party).

Regarding claims 4 and 14, Salimando teaches where said second call request utilizes said number, (col. 4, lines 13-18).

Regarding claims 5 and 15, Salimando teaches wherein said second call request utilizes another number, (fig. 5; col. 5, lines 49-59).

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Regarding claims 6 and 16, Salimando teaches where said sending comprises converting said number to audio form, (col. 3, lines 3-10); and

sending said number to said first call station in audio form, (col. 3, lines 58-64).

Regarding claims 9, 10, 19 and 20, while Salimando teaches of a generating billing data, Salimando does not specifically teach of sending an indicia of said calling party's request to the billing system.

Baral teaches of sending indicia of said request to a billing system and recording said request by said billing system, (col. 6, lines 58-61); and billing said request to the calling party, (col. 6, lines 41-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Salimando by sending indicia of said request to the billing system as taught by Baral so that the billing service will be able to determine whether or not the number verification has been used so that the calling party can be correctly billed for using the service.

9. Claims 7,8,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salimando in view of Baral and further in view of Aoyama US Patent 5,119,415.

Regarding claims 7,8, 17 and 18, while Salimando and Baral, as applied above, teaches of sending the number to the calling party via voice, Salimando and Baral do not teach of having a display device at the first call station and sending said number to the display device.

Aoyama teaches of a called party verification system in which the calling party can get information about the called party prior to connecting the calling party to the called party, (col. 3, lines 14-29).

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Aoyama also teaches wherein a first call station is associated with a display device (col. 3, lines 59-63), and a sending step comprises sending the called party information to said display device and wherein said display device is a caller identification display device, (fig. 9; col. 8, lines 10-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the called number verification system of Salimando and Baral by sending the first calling station the called number as taught by Aoyama so that the calling party can visually verify the called party information. This is important for the individuals who did not initially hear the number that was audibly announced due to ambient noise.

Conclusion

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante
Examiner
Group 2645
July 8, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

